



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Paper No. 33

William H. Swain  
4662 Gleason Avenue  
Sarasota, FL 34242

NOV 26 2002

In re Application of  
William H. Swain  
Application No.: 08/579,395  
Filing Date: December 27, 2002  
For: ERROR CORRECTION BY  
SELECTIVE MODULATION

DECISION ON PETITION  
TO MAKE SPECIAL

This is a decision on the petition filed September 09, 2002 (dated by applicant as 6 September, 2002) requesting "Advancement of Examination." It is being treated as a petition to make special requesting that the above identified application be granted special status under the provisions of 37 C.F.R. § 1.102(c) and MPEP § 708.02 IV. There is no fee for this petition.

The petition is GRANTED.

The provisions of MPEP § 708.02 IV state that an "application may be made special upon filing a petition including any evidence that the applicant is 65 years of age, or more, such as a birth certificate or applicant's statement."

The present petition was accompanied by a statement from applicant William H. Swain declaring that he is 80 years of age. The statement constitutes sufficient evidence as set forth in MPEP § 708.02 IV.

The application is being forwarded to the Technical Support Staff of Technology Center 2800 for: 1) the refund of the \$130.00 that was enclosed with the petition; and 2) the entry of the response that was filed on November 4, 2002 (dated by applicant as 1 November, 2002). The application will then be forwarded to the examiner of record for consideration of the response.

The copy of the response filed via Federal Express on November 20, 2002 (dated by applicant as 19 November, 2002) is being discarded as it is an exact copy of the response filed November 4, 2002. The copy of the letter filed August 5, 2002 (dated by applicant as 29 July, 2002) has been made of record in the file. In the letter, applicant requests "(p)lease tell

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me what appeal procedure is appropriate.” There is no specific answer to this request. Applicant is invited to read Chapter 1200 of the Manual of Patent Examining Procedure (MPEP) that can be accessed through the USPTO website ([www.uspto.gov](http://www.uspto.gov)) if and when applicant chooses to file an appeal.

Any questions concerning this decision should be directed to Edward P. Westin at (703) 308-4823.

*Edward Westin*

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Edward P. Westin, Special Programs Examiner  
Technology Center 2800  
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